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Security Council

Sixty-third year

Provisional

6013th meeting

Friday, 7 November 2008, 3 p.m.
New York

President:	Mr. Weisleder	(Costa Rica)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Croatia	Mr. Skračić
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. Wolff
	Viet Nam	Mr. Bui The Giang

Agenda

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/670)

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08-59080 (E)

The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/670)

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of Nepal in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Acharya (Nepal) took a seat at the Council table.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ian Martin, Special Representative of the Secretary-General in Nepal and head of the United Nations Mission in Nepal.

It is so decided.

I invite Mr. Martin to take a seat at the Council table.

The Security Council will now begin its consideration the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them the report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process, document S/2008/670.

At this meeting, the Security Council will hear a briefing by Mr. Ian Martin, Special Representative of the Secretary-General in Nepal and head of the United Nations Mission in Nepal. I now give the floor to Mr. Martin.

Mr. Martin: Last Friday and Saturday, Secretary-General Ban Ki-moon visited Nepal. He had hoped to open this briefing personally, but the Council well understands the urgent reasons for the travel that prevents him from doing so.

In addressing members of the Constituent Assembly, the election of which represents the central achievement to date of the peace process and which bears the crucial responsibility of drafting a federal constitution for the new republic, the Secretary-General offered congratulations on the historic transformation the country has undergone. He said that the Assembly was the most inclusive legislative body in the country's history and proof of remarkable progress driven by the people of Nepal. He said that the political transformation must go hand in hand with social and economic transformation. Steady progress in the peace process will ensure international support.

When I last briefed the Council, the political parties were divided over the election of the first President of the republic. The report before the Council (S/2008/670) describes the process by which the Constituent Assembly, which also acts as the Legislature-Parliament, elected a President, a Vice-President and a Prime Minister and the long negotiations that led to the formation of a coalition Government, led by the Communist Party of Nepal (Maoist) (CPN (M)) as the largest party and comprising two others of the four largest parties, but with the Nepali Congress remaining in opposition.

Prime Minister Pushpa Kamal Dahal "Prachanda" describes the three priorities of the Government he heads as: completing the peace process; ensuring the drafting of the new constitution; and achieving rapid economic progress. In each of those, it faces major challenges. The mandate of the United Nations Mission in Nepal (UNMIN), as extended by the Council for a further six months in July (see resolution 1825 (2008)), relates directly only to a key aspect of the first challenge, that of completing the peace process, with particular reference to the management of arms and armies.

In briefing the Council on 18 July (see S/PV.5938), I was frank in expressing concern about how rapidly the new Government would be able to

move forward in implementing the agreement reached among political parties on 25 June regarding the completion of the peace process. That, I said, would depend greatly on the degree of multiparty cooperation that survived the disagreements at that time over the sharing of posts. I regret to say that that concern is proving to be well founded, and the political actors are not finding it easy to move forward together.

The foremost outstanding issue of the peace process, in addition to the drafting of the new constitution, is the transition from the current temporary arrangements for monitoring the management of arms and armies, which have now been in existence for almost two years, to decisions regarding the future of the Maoist army combatants. Their integration and rehabilitation were to have been completed within six months of the formation of the new Government, more or less coinciding with the additional six months for which a continuing presence of UNMIN was requested. The key requirement for resolving that issue is the effective functioning of the special committee responsible for the supervision, integration and rehabilitation of the former Maoist combatants, prescribed by the Comprehensive Peace Agreement and enshrined in article 146 of the interim constitution.

That committee was first established in mid-2007 by the Nepali Congress-led Government, but met only once. In the 25 June agreement, the parties recommitted themselves to proceeding by way of that committee and further defined how it should go about its task. They also agreed that it should not be confined to the parties forming the coalition Government, but should comprise major parties represented in the Constituent Assembly, thus obviously including the Nepali Congress.

The Secretary-General, UNMIN and concerned Member States have all urged the early establishment of the special committee. On 28 October, the Government announced its establishment, which was welcomed by the Secretary-General during his visit. However, the Nepali Congress has so far refused to name a representative to the committee, maintaining that consultation regarding its establishment was inadequate and objecting to the composition and terms of reference announced by the Government. Meanwhile, parties other than the four largest parties are claiming representation. Negotiations are currently taking place to try to resolve those issues.

I trust that those negotiations will soon be successful, but the task of the special committee, once it begins to function, will not be an easy one. Widely differing views have been expressed among parties, and sometimes within them, regarding the extent to which Maoist army combatants should or should not be integrated into the State army, and in what manner. Views inside the Maoist party and army, including about whether to argue for integration on a group or individual basis, are to be debated in a major national gathering of their cadres in late November.

On the other hand, the Madhesi parties are particularly concerned to see the implementation of the commitment to increase Madhesi representation in the Nepal Army. The CPN (M) is concerned not only about the future of its own combatants, but also about pursuing the parallel commitment in the Comprehensive Peace Agreement to the democratization of the Nepal Army, including determining its appropriate size, training the army in the values of democracy and human rights, ensuring its democratic structure and building its national and inclusive character. Integration of Maoist combatants is raising the issue of the exclusion of those responsible for violations of human rights and humanitarian law. That, in turn, will draw attention to the failure of the State security forces to take effective action against those within their ranks responsible for such violations, which continues to be a major concern of the Office of the United Nations High Commissioner for Human Rights in Nepal.

As yet, the debate regarding those issues has been little informed by consideration of international experience, but the proposed terms of reference of the special committee envisage that it would invite input from Government security agencies, Maoist combatants, UNMIN and other security experts, as required, and would be supported by a technical committee with the involvement of relevant experts.

The functioning of the special committee is also essential to UNMIN's objective of simplifying its monitoring responsibilities and further reducing its number of arms monitors, as the committee will become responsible for the supervision of the Maoist army while the nature of integration and rehabilitation is being decided.

However, the discharge from the Maoist army cantonments of some 4,000 personnel disqualified by

UNMIN's verification, because they were under 18 years of age in May 2006 or recruited after that date, is not dependent on the special committee and is long overdue. Ever since verification was completed, early this year, the United Nations has called repeatedly for discharge without delay and has offered to assist with the reintegration of those involved. In recent weeks, senior Maoist army commanders have been holding meetings at the cantonments to prepare the ground for discharge, and the new Minister of Peace and Reconstruction has engaged UNMIN and United Nations agencies regarding his proposals for supporting their orderly reintegration and his intention to formally request United Nations assistance. During his visit, the Secretary-General called on the Government to move quickly on the discharge, and that same call has been made, as regards minors, by the Special Representative of the Secretary-General for Children and Armed Conflict, who expects to visit Nepal in early December.

I have dwelt on those matters because they are at the core of UNMIN's remaining responsibility and because of the desire we share with the Council to bring UNMIN's mandate to completion as soon as possible. The Secretary-General wishes to draw down further and close the Mission, in a manner that does not jeopardize the peace process, but ensures continuing international support to consolidating peace in Nepal. In meetings with the Secretary-General in late September, during the General Assembly, and a week ago in Kathmandu, Prime Minister "Prachanda" expressed his view that the UNMIN presence at the cantonments would remain necessary pending integration and rehabilitation, and that UNMIN should coordinate international advice and support to that process. The realistic timetable for that process will be for the special committee to consider once it begins functioning, but even under the most optimistic assumptions it cannot now be expected to end by January, within the current mandate of UNMIN.

The Secretary-General asked that if a further extension is to be requested by the Government, that request should be made as soon as possible, so that he could put it to the Council. We envisage that any recommendation to the Council in response to such a request would be for a substantially smaller presence. But I am sure that members of the Council will agree with the observation in the report of the Secretary-General that experience in various countries has demonstrated the dangers of failing to address successfully the issue of former combatants and the risks that that can pose to durable stability. That key aspect of the completion of the peace process and the need for cooperation among Nepal's political parties must be seen in the wider context of the implementation of commitments.

Past reports of the Secretary-General and my briefings have noted the weak implementation of peace process commitments during the interim Government, prior to the Constituent Assembly election. The 25 June agreement reiterated many of those commitments, as have statements by ministers of the new Government. But commissions provided for in the agreements are yet to be formed, and commitments to compensation for victims of the conflict, to investigations into the fate of those who disappeared, to the return of displaced persons and of property seized during the conflict and to ensuring that the youth groups of political parties remain within the law need to move beyond rhetoric into practical measures to put them into effect. The Madhesi parties also demand the fulfilment of pledges made to them for greater inclusion.

While fully respecting that the process has always been and remains Nepali-driven, the United Nations, through United Nations agencies as well as UNMIN, has repeatedly offered its support in the implementation of peace process commitments and is continuing to do so. The United Nations Development Programme is providing major assistance to the process of constitution-making, and the $10 million made available by the Secretary-General from the Peacebuilding Fund is being programmed to support key areas of peace support.

In his report, the Secretary-General notes positively the commitment of the Nepali Congress to cooperation in the drafting of the new constitution and completion of the peace process, as well as the commitments of the Maoist-led Government to multiparty democracy and the protection and promotion of human rights. Those too are commitments which need to be fully reflected in practice.

In his public remarks in Nepal, the Secretary-General expressed his confidence that the parties could minimize potential rifts through dialogue and compromise. He called on all parties in the coalition

Government to maintain cohesion, while continuing to work with parties outside the Government in a spirit of cooperation, and he hoped that the Nepali Congress would continue participating in key decisions. He stressed that the parties are accountable to the Nepali people in helping to complete and consolidate peace. Such cooperation is essential not only for addressing the difficult issue of arms and armies and for completing the peace process, and not only for reaching sufficient consensus on a federal constitution, but also for the economic development essential to consolidating peace.

Nepal urgently needs effective local as well as national governance. The new Government has ambitious plans for better access to education, to health care and to employment opportunities for young people. It is appealing for increased levels of international assistance to support those plans. The United Nations country team is preparing to play its part. Our aim is the earliest possible completion of UNMIN's mandate, but also the sustained and intensified support of the United Nations system and the international community to the peace, development and change which the people of Nepal have demanded.

The President (*spoke in Spanish*): I thank Mr. Martin for his briefing and for his update on the situation on the ground and on the situation of the United Nations Mission in Nepal.

I now give the floor to the representative of Nepal.

Mr. Acharya (Nepal): First, I would like to express my sincere gratitude to you, Sir, and to the other members of the Council for yet another opportunity to discuss United Nations support for Nepal's indigenous peace process, which has made miraculous achievements over a short span of time. I would like to thank Mr. Ian Martin, Special Representative of the Secretary-General in Nepal, for his comprehensive presentation today. I would like to take this opportunity to express our sincere appreciation to Mr. Martin and his team in the United Nations Mission in Nepal (UNMIN) for their excellent work in executing the mandate of the Council to meet Nepal's request in certain aspects of the peace process. We appreciate the report of the Secretary-General on United Nations support of the peace process (S/2008/670).

On behalf of the Government of Nepal, I would like to take this opportunity to express our sincere gratitude to the Secretary-General, His Excellency Mr. Ban Ki-moon, for his recent visit to Nepal and his continuous support for the peace process.

Nepal has witnessed historic political transformation through the peace process. The signing of the Comprehensive Peace Agreement, successful elections to the Constituent Assembly, the declaration of Nepal as a federal democratic republic and the formation of the coalition Government under the leadership of the Communist Party of Nepal (Maoist) are changes of historic proportions which our peace process has achieved quickly, smoothly, democratically and peacefully.

Nepal's peace process is unique in its characteristics and is based on multiparty democracy, inclusiveness, accommodation, dialogue and recognition of the people as the ultimate arbiter. Our peace process is a truly original and creative innovation of the Nepalese people and its political leadership. One of the keys to its success lies in national ownership of the entire political process. The political leadership across the board has taken into account the broader aspirations of the Nepalese people, who have voiced their choice for peace and democracy. The leadership has demonstrated a spirit of true accommodation, dialogue and respect for the choice of the people in arriving at all key decisions.

Yet another key to our success is the inclusiveness of the political process. After the signing of the Comprehensive Peace Agreement, several other agreements were concluded with a view to bringing into the national mainstream the most inclusive possible participation by the representatives of the people in all their ethnic and geographic diversity. I am proud to say that Nepal's Constituent Assembly is one of the most inclusive assemblies that has ever been elected to write a constitution anywhere in the world. Nepal's Constituent Assembly has the widest representation of women, ethnic groups and indigenous peoples, Madhesis, Dalits and people from rural areas, who have traditionally remained marginalized.

We have also advanced this far by placing the verdict of the people at the core of all decisions made to date. That was the basis of the declaration of Nepal as a federal democratic republic, the abolition of its 240-year-old monarchy and the formation of the

Government under the leadership of an erstwhile rebel party, which has itself undergone a huge transformation from an insurgent movement into a leading democratic political force.

The current Government is committed to working together with all political parties represented in the Constituent Assembly in writing a new constitution of the federal democratic republic within the stipulated time frame of two years. As part of that process, the Constituent Assembly is finalizing its rules of procedure and is expected to start the drafting process soon.

The Government is also committed to bringing the peace process to a logical conclusion by resolving all of the remaining issues in a spirit of dialogue and accommodation and in accordance with the Comprehensive Peace Agreement. It has already constituted the special committee to finalize issues of the integration and rehabilitation of former rebel combatants who are in cantonments monitored by the United Nations Mission. The special committee is expected to reach its decision on the issue soon.

Among other things, the United Nations Mission in Nepal was mandated to monitor the cantonments and assist in the peace process through arms management. It is our view that the presence of UNMIN will not be required after this process is completed. If the process extends beyond the end of the current mandate on 23 January 2009, the Government, in consultation with the special committee and the political parties, may request an extension of the mandate of the Mission as soon as such a decision is reached. In such a situation, the presence of UNMIN, which has been significantly downsized already, may be required for a maximum period of another six months with further adjustments, with a view to allowing it to came to an end by that time.

In that regard, we have taken note of the report of the Secretary-General regarding consolidation of cantonments. The special committee, which is mandated to look after the comprehensive issues of arms management, is yet to begin its work formally and is yet to take a decision in that regard. Such consolidation or rearrangement would be likely to unnecessarily complicate the process and exacerbate the already poor infrastructure and facilities in the cantonments. It could also unwittingly prolong the process of integration and rehabilitation, which is key to the logical conclusion of the peace process. Those and other issues will be taken into consideration by the special committee in adopting its decision on the process of integration and rehabilitation. The Government is committed to taking measures to accelerate the implementation of the decisions of the Special Committee so that UNMIN can complete its tasks in accordance with the mandate of this Council.

In conclusion, I take this opportunity to thank each one of you individually and the Council collectively for the continued support and understanding of Nepal's requests in relation to the peace process.

The President (*spoke in Spanish*): I thank the representative of Nepal for his statement. I will now make a statement in my capacity as the representative of Costa Rica.

I thank Mr. Ian Martin for his briefing and the Permanent Representative of Nepal for his statement.

My delegation welcomes the report of the Secretary-General on the United Nations Mission in Nepal (UNMIN). We also welcome the positive news on the progress in peacebuilding and the consolidation of democracy in Nepal. In particular, we welcome the commitment of the new authorities to promoting and protecting human rights and to combating discrimination in all its forms, as well as the progress achieved to date in mine clearance and the destruction of improvised explosive devices. We are also encouraged by the statements by the Secretary-General on the progress he observed on the ground during his recent visit to the country.

Within this positive outlook, there are some pending questions that are of concern to my delegation, which I will proceed to outline now. We hope that the recent establishment of the new Government will enable substantial progress to be made in the process of bringing to justice those individuals who committed crimes during the armed conflict. My delegation has reiterated in various forums that the building of a lasting peace requires, as a necessity, the application of justice based on law, which will make national reconciliation possible. In this context, we support the intention of the Government of Nepal to establish a truth and reconciliation commission and another commission to investigate the whereabouts of disappeared persons. In general, we support all the

actions that have been taken to strengthen the rule of law.

We also urge the Nepalese Constituent Assembly to do its very best to achieve agreements and move forward in drafting the new constitution. In addition, the relatively slow progress of the process of disarmament, demobilization and reintegration of the Maoist army is a matter of concern, particularly in respect to the discharge of minors. We repeat the appeal made by the Special Representative and urge the immediate release of all minors who have not yet been discharged. We also hope that the resources provided by the Peacebuilding Fund and the World Bank will make it possible to speed up the process of disarmament, demobilization and reintegration. In this context of pending issues in the areas of disarmament, demobilization and reintegration, within which UNMIN fulfils an important supporting role to the Government, my delegation would be ready to carefully consider a limited extension of the Mission's mandate, if a request were to be received from the Government of Nepal and the Secretary-General. We must not be over-hasty in withdrawing the Mission, if there remain important peacebuilding tasks for which UNMIN support continues to be necessary. But neither should we maintain a mission of a size that is greater than that which is strictly necessary.

In closing, I thank the new Special Representative, Mr. Martin, for his briefing and congratulate the people of Nepal through their Permanent Representative for their admirable efforts to achieve peace and democracy in their country. As the Permanent Representative himself said, a considerable amount has been achieved in a relatively short time and an historic transformation of great importance has occurred.

I resume my function as President of the Security Council. There are no further speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 3.40 p.m.